

110TH CONGRESS  
1ST SESSION

# H. R. 3212

To provide certain personnel management requirements for the Transportation Security Administration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2007

Mrs. LOWEY introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide certain personnel management requirements for the Transportation Security Administration, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. TRANSPORTATION SECURITY ADMINISTRATION**

4                       **PERSONNEL MANAGEMENT.**

5               (a) **ELIMINATION OF CERTAIN PERSONNEL MANAGE-**  
6       **MENT AUTHORITIES.**—Effective 90 days after the date of  
7       the enactment of this Act—

1           (1) section 111(d) of the Aviation and Trans-  
2           portation Security Act (49 U.S.C. 44935 note) is re-  
3           pealed and any authority of the Secretary of Home-  
4           land Security derived from such section 111(d) shall  
5           terminate;

6           (2) any personnel management system, to the  
7           extent established or modified pursuant to such sec-  
8           tion 111(d) (including by the Secretary through the  
9           exercise of any authority derived from such section  
10          111(d)) shall terminate; and

11          (3) the Secretary shall ensure that all TSA em-  
12          ployees are subject to the same personnel manage-  
13          ment system as described in subsection (e)(1) or  
14          (e)(2).

15          (b) ESTABLISHMENT OF CERTAIN UNIFORMITY RE-  
16          QUIREMENTS.—

17               (1) SYSTEM UNDER SUBSECTION (e)(1).—The  
18          Secretary shall, with respect to any personnel man-  
19          agement system described in subsection (e)(1), take  
20          any measures which may be necessary to provide for  
21          the uniform treatment of all TSA employees under  
22          such system.

23               (2) SYSTEM UNDER SUBSECTION (e)(1).—Sec-  
24          tion 9701(b) of title 5, United States Code, is  
25          amended—

1 (A) by striking “and” at the end of para-  
2 graph (4);

3 (B) by striking the period at the end of  
4 paragraph (5) and inserting “; and”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(6) provide for the uniform treatment of all  
8 TSA employees (as defined in section 408(d) of the  
9 Implementing the 9/11 Commission Recommenda-  
10 tions Act of 2007).”.

11 (3) EFFECTIVE DATE.—

12 (A) PROVISIONS RELATING TO A SYSTEM  
13 UNDER SUBSECTION (e)(1).—Any measures nec-  
14 essary to carry out paragraph (1) shall take ef-  
15 fect 90 days after the date of the enactment of  
16 this Act.

17 (B) PROVISIONS RELATING TO A SYSTEM  
18 UNDER SUBSECTION (e)(2).—Any measures nec-  
19 essary to carry out the amendments made by  
20 paragraph (2) shall take effect 90 days after  
21 the date of the enactment of this Act or, if  
22 later, the commencement date of the system in-  
23 volved.

24 (c) REPORT TO CONGRESS.—

1           (1) REPORT REQUIRED.—Not later than 6  
2           months after the date of the enactment of this Act,  
3           the Government Accountability Office shall submit  
4           to the Committee on Homeland Security of the  
5           House of Representatives and the Committee on  
6           Homeland Security and Governmental Affairs of the  
7           Senate a report on—

8                   (A) the pay system that applies with re-  
9                   spect to TSA employees as of the date of the  
10                  enactment of this Act; and

11                  (B) any changes to such system which  
12                  would be made under any regulations which  
13                  have been prescribed under chapter 97 of title  
14                  5, United States Code.

15           (2) MATTERS FOR INCLUSION.—The report re-  
16           quired under paragraph (1) shall include—

17                   (A) a brief description of each pay system  
18                   described in paragraphs (1)(A) and (1)(B), re-  
19                   spectively;

20                   (B) a comparison of the relative advan-  
21                   tages and disadvantages of each of those pay  
22                   systems; and

23                   (C) such other matters as the Government  
24                   Accountability Office considers appropriate.

1 (d) TSA EMPLOYEE DEFINED.—In this section, the  
2 term “TSA employee” means an individual who holds—

3 (1) any position which was transferred (or the  
4 incumbent of which was transferred) from the  
5 Transportation Security Administration of the De-  
6 partment of Transportation to the Department of  
7 Homeland Security by section 403 of the Homeland  
8 Security Act of 2002 (6 U.S.C. 203); or

9 (2) any other position within the Department of  
10 Homeland Security the duties and responsibilities of  
11 which include carrying out one or more of the func-  
12 tions that were transferred from the Transportation  
13 Security Administration of the Department of  
14 Transportation to the Secretary by such section.

15 (e) PERSONNEL MANAGEMENT SYSTEM DE-  
16 SCRIBED.—A personnel management system described in  
17 this subsection is—

18 (1) any personnel management system, to the  
19 extent that it applies with respect to any TSA em-  
20 ployees by virtue of section 114(n) of title 49,  
21 United States Code; and

22 (2) any human resources management system,  
23 established under chapter 97 of title 5, United  
24 States Code.

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